

## TITLE 4. ANIMALS AND FOWL<sup>1</sup>

### Chapter 4.01. Definition of Terms.

Terms set out in this chapter have the meaning designated when used in this title unless otherwise indicated by the context.

1. Animal. Any and all types of livestock, dogs and cats, and all other subhuman creatures, both domesticated and wild, male and female, singular and plural.
2. Animal Boarding Establishment. Any establishment that takes in animals and boards them for profit.
3. Animal Grooming Parlor. Any establishment maintained for the purpose of offering cosmetology services for animals at a profit.
4. Animal Shelter. Any facility owned and operated by a governmental entity or any animal welfare organization which is incorporated within the State of Utah for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other domestic animals.
5. Animals at Large. An animal shall be considered to be "at large" when it is off the owner's property and not under immediate control, by means of a durable restraint device, capable of keeping the animal restrained; OR an animal that is on the property of the owner and not securely confined by a leash, building, fenced area, or appropriate transport device.
6. Bite. Any actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.
7. Cat. Any age feline, of the domestic type.
8. Cattery. Land or building used in the keeping of three (3) or more cats, six (6) months or older.
9. Dog. Any Canis Familiaris over six (6) months of age. Any Canis Familiaris under the age of six (6) months is a puppy.
10. Domesticated Animals. Animals accustomed to living in or about the habitation of man, including but not limited to cats, dogs, rabbits, fowls, horses, swine, goats, sheep, mules, donkeys, llamas, and cattle.
11. Government Working Dog. A dog trained to assist officials of government agencies in law enforcement exercises.
12. Guide Dog. A dog trained and certified by a nationally recognized training establishment to assist persons that are "visually-impaired," "hearing-impaired," or "mobility-limited."
13. Kennel. Land or buildings used in the keeping of three (3) or more dogs older than four (4) months.
14. Livestock. Any normally domesticated animal that is ordinarily kept on a farm, such as cattle, swine, sheep, goats, mules, burros, horses, geese, ducks, turkeys, llamas, etc.
15. Owner. Any person or persons, firm association or corporation or other entity owning, keeping or harboring the animal in question, or any person having charge, care, custody or control of such animal.
16. Pet. Any animals ordinarily permitted in Utah residences and kept for the company or pleasure of Utah residents, such as domesticated dogs, domesticated cats, and domesticated birds. Household Pets also include tropical fish, amphibians, reptiles, or invertebrates of a number that do not constitute a health hazard or nuisance, and can be safely and humanely kept in aquariums, cages, or enclosures, the cumulative size of which shall not exceed fifty (50) cubic feet per household. Household pets shall not include a sufficient number of dogs as to constitute a kennel, nor sufficient cats as to constitute a cattery, nor more than six birds. Household pets shall not include the keeping of "dangerous animals," "vicious animals," "wild animals," or "livestock," as defined in title 4 of the Brigham City code. Furthermore, household pets shall not include exotic, pygmy, or dwarf variations of animals defined as either "wild animals" or "livestock" in Title 4 of the Brigham City Code, including but not limited to, miniature horses, pygmy goats, and Vietnamese pot-bellied pigs, notwithstanding that such animals may be kept as household pets by residents of other communities.<sup>2</sup>
17. Pet Shop. Any establishment containing cages or exhibition pens, not part of the kennel or cattery, wherein dogs, cats, birds or other pets for sale are kept or displayed.
18. Quarantine. The isolation of an animal in a substantial enclosure, so the animal is not subject to contact with other animals or unauthorized persons.
19. Restraint Device. Any chain, leash, cord, rope or other device commonly used to restrain an animal.

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<sup>1</sup> Numerous changes made throughout Title with Ordinance No. 02-25, 8/15/02.

<sup>1</sup> Ordinance No. 99-25, dated 9/23/99

20. Wild Animal. Any animal which is not commonly domesticated, or which is of a wild or predatory nature, or any animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health, or property if not kept, maintained, or confined in a safe and secure manner. Those animals, however domesticated, shall include but are not limited to:

- A. Alligators, crocodiles, caiman.
- B. Bears (ursidae). All bears including grizzly bears, brown bears and black bears.
- C. Cat family (felidae). All except the commonly accepted domestic cats; including cheetahs, cougars, leopards, lions, lynx, bobcats, panthers, mountain lions, tigers and wildcats. Any cat crossbred with a wild animal as described herein shall be considered to be wild.
- D. Dog family (canidae). All dogs, with the exception of domesticated dogs, including but not limited to fox, coyote, wolf and wild dingo. Any dog crossbred with a wild animal, as described herein, shall be considered to be a wild animal.
- E. Porcupines.
- F. Primates (all subhuman primates).
- G. Raccoons (all varieties).
- H. Skunks.
- I. Venomous snakes or lizards.
- J. Any snake or reptile of such size or characteristics as to pose a threat to human life.
- K. Weasels (all weasels, martins, wolverines, badgers, otters, ermine, mink and mongoose), except that the possession of mink shall not be prohibited when raised commercially for their pelts, in or upon a property constructed for a legally operated ranch.
- L. Marsupials.

## **Chapter 4.02. Administration.**

### **4.02.010 Animal Control Department Created.**

The City of Brigham has created the Brigham City Animal Control Department, a subdepartment of the Brigham City Police Department, for the purpose of resolving animal related disputes in the corporate limits of Brigham City. The department shall participate in the disposing of the same.

### **4.02.020 Power and Authority of Animal Control Officials.**

Any person employed by the Department of Animal Control as an Animal Control Officer shall take the oath of office and shall be vested with the power and authority to enforce this ordinance. The Animal Control Officers or assistants are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this ordinance, and all other duties prescribed in the enforcement of this ordinance.

### **4.02.030 Right of Entry for Enforcement.**

In the enforcement of this ordinance, all Peace Officers or Animal Control Officers or Animal Control Officials of Brigham City Corporation, are hereby authorized to enter onto the open premises of any person or entity to take possession of any animal in violation of this ordinance.

### **4.02.040 Interfering with Officers Prohibited.**

It is unlawful for any person to knowingly and intentionally interfere with any Animal Control Officer in the lawful discharge of his duties as prescribed in this ordinance.

### **4.02.050 Animal Shelter Provided.**

Brigham City shall provide suitable premises and facilities to be used as the Brigham City Animal Shelter wherein impounded animals can be adequately kept. Brigham City shall also purchase and supply adequate food for all impounded animals.

## **Chapter 4.03 Licensure and Regulatory Permits.**

### **4.03.010 Licensing and Registration of Dogs.**

It shall be unlawful for any person to own, keep, harbor or maintain a dog over the age of six (6) months of age, without registering and obtaining a license for such dog(s) from the Brigham City Recorder. The registering and licensing period shall begin with the calendar year and shall run for one year. A license

application may be made thirty (30) days prior to, and up to sixty (60) days after, the start of the calendar year (January 1). All dogs brought into Brigham City shall require registering and licensing within thirty (30) days after they enter Brigham City, or within thirty (30) days after having reached the age of six (6) months. Persons who fail to obtain a license, as required, within the time period specified in this section will be subject to an additional licensing "late fee."

No dog shall be licensed as spayed or neutered without proof that the surgery has been performed.

Proof that the dog has a current rabies inoculation shall be presented at the time the license is applied for. Proof must be in writing and must include the licensed veterinarian who administered the vaccine.

#### **4.03.020 Exemptions for Licensing.**

The provisions of Chapter 4.03.010 of this ordinance shall not apply to the following:

~~A. Persons 65 years of age or older may obtain a dog license for a spayed or neutered dog for a reduced fee. This shall be known as a "Senior Citizen License."~~

B. No Brigham City license required for:

1. Licensed dogs whose owners are nonresidents, temporarily (up to thirty (30) days) within Brigham City, ~~provided, however, that licensed dogs whose owners remain within Brigham City longer than thirty (30) days may transfer current license from another jurisdiction to Brigham City upon payment of a "transfer fee" and proof of current rabies vaccination;~~<sup>3</sup>

2. Individual dogs, within a properly licensed kennel or other such establishment;

3. Dogs, temporarily in the possession of persons or organizations for the purpose of training such dogs, to assist the disabled when such dogs are properly tagged and under the supervision of legitimate trainers;

4. Guide dogs, if such dogs are actually being used by physically disabled persons, for the purpose of answering their needs;

5. Government working dogs, which are owned or maintained by such agencies.

Notwithstanding the foregoing, nothing in this section shall be construed so as to exempt any dog from having a current rabies vaccination every ~~two (2) years~~ *three (3) years*.<sup>4</sup>

#### **4.03.030 Tag and Collar Required.**

Upon payment of the license fee, there shall be issued to the owner, a metallic tag for each dog so licensed. Every owner shall be required to provide each dog with a collar to which the license tab must be affixed, and shall see that the collar and tag are constantly worn. In the event a dog tag is lost or destroyed, a duplicate will be issued by the Brigham City Recorder, upon presentation of a receipt showing payment of the license fee, and payment of a "Duplicate License" fee. The license shall not be transferable from one dog to another, and no refund shall be made on any dog license for any reason whatsoever.

#### **4.03.040 Removal of Tag Unlawful.**

It shall be unlawful to deprive a registered dog of its collar and/or its tag.

#### **4.03.050 Number of Cats and/or Dogs per Residence.**

No person or persons, at any one residence within the jurisdiction of this ordinance, shall at any one time own, harbor, license or maintain three (3) or more dogs or three (3) or more cats, at least six (6) months old, unless an appropriate kennel or cattery license has been obtained.

#### **4.03.060 Kennels/Cattery Permits.**

Permits required. No person shall operate or maintain a kennel or cattery without first obtaining a permit from the City Recorder. All applications for permits to operate or maintain a dog kennel or cattery shall be submitted in writing upon printed forms provided for such purposes by the City Recorder. The applications shall first be referred to the Brigham City Zoning Administrator and the Animal Control Officer, and upon their approval the City Recorder shall issue the permit upon payment of the fee hereinafter provided. It shall be unlawful for any person to conduct, operate or maintain a kennel or cattery as defined by the provisions of this

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<sup>3</sup> Ordinance No. 05-24, dated 11/17/05

<sup>4</sup>Ordinance No. 05-24, dated 11/17/05

ordinance of Brigham City, in any area not zoned for the operation of a kennel/cattery by the Zoning Ordinances of Brigham City.

A. Kennel/Cattery Permit: Any person conducting, operating or maintaining a kennel/cattery shall pay a fee of \$35.00 for a license to operate said kennel/cattery to the City Recorder.

B. Kennel/Cattery: It shall be the duty of the Animal Control Officer to periodically inspect all registered kennels and catteries to see that the provisions of the City ordinances pertaining to the sanitation and care of such places are being observed.

C. Display of Permit: A valid permit shall be posted in a conspicuous place in each establishment, and said permit shall be considered as appurtenant to the premises, and not transferrable to another location. The permittee shall notify the Animal Control Department within thirty (30) days of any change of its establishment, or operation which may affect the status of the permit. In the event of a change in ownership of the establishment, the permittee shall notify the Department of Animal Control immediately. Permits shall not be transferable from one owner to another.

D. Renewal of Permit: Any permit issued, pursuant to this section, shall automatically expire one year immediately following the date of issue. Within two (2) months prior to the date of expiration of the permit, the permittee shall apply for a renewal of the permit and pay the required fee. Any application made after the expiration date, except in application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee, in addition to the regular permit fee.

E. Suspension or Revocation of Permit:

1. Grounds. A kennel/cattery permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:

- a. Falsification of facts in a permit application, or
- b. Violation of any of the provisions of this ordinance or any other regulation governing the establishment including noise, building and zoning ordinances, or maintaining or selling illegal species, or
- c. Conviction of a charge of cruelty to animals.

2. Procedure: If an inspection of any facility operating with a permit reveals a violation of this ordinance, the inspector shall notify the permit holder or operator of such violation by means of an inspection report for, or other written notice. The notification shall:

- a. Set forth the specific violation found.
- b. Establish a specific and reasonable period of time for the correction of the violation(s) found.
- c. State that any failure to comply with any notice issued in accordance with the provisions of this ordinance shall result in immediate suspension of the permit.
- d. State that an opportunity for an appeal from any notice of inspection finding, shall be provided if a written request for hearing is filed with the Department of Animal Control within five (5) days of the date of notice. Upon request of a hearing, a minimum of five (5) days notice shall be given to the permittee, advising him of the date and time of such hearing, and listing the cause or causes for such suspension or revocation. No new permit shall be issued to any person whose permit has been previously revoked, except upon application for a new permit, accompanied by the required application fee and unless or until all requirements of this ordinance have been met. Any permit granted under this ordinance may be suspended or revoked by the Animal Control Department for violations listed in this chapter.

F. Notice Served: Notice provided for under this ordinance shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered, personally, to the permit holder or person in charge. Or such notice has been sent by certified mail to the last known address of the permit or license holder. A copy of such notice shall be filed with the records of the Animal Control Department.

#### **4.04 Maintenance and Conduct of Animals.**

##### **4.04.010 Animals Attacking Persons or Other Animals.**

A. Unlawful: it shall be unlawful for the Owner of any animal to allow such animal to bite, attack, chase or worry any person, domesticated animal or any species of hoofed, protected wildlife, or domestic fowl.

B. Owner Liability: Any Owner in violation of subsection A of this Section shall be strictly liable for violation of this Section. In addition to being subject to prosecution under subsection A of this Section, the Owner of such animal shall also be liable for damages to any person injured or to the owner of any animal injured or destroyed thereby.

C. Defenses: The following shall be considered in mitigating the penalties or damages, or in dismissing the charge:

1. That the animal was properly confined on the premises.
2. That the animal was deliberately or maliciously provoked.

D. Animal May Be Killed: Any public safety officer or person may kill an animal while it is committing any of the acts specified in subsection A of this Section or while such animal is being pursued thereafter, pursuant to Utah Code Annotated Section 18-1-3.

E. Impound: After any animal bites, attacks, chases or worries any person, domesticated animal, or any species of hoofed, protected wildlife, or domestic fowl, the Animal Control Officer may impound the animal, which may not be redeemed while awaiting final disposition of any criminal charges associated with said animal.

F. Destruction of Animal: Upon conviction of any offense under this Section, or upon failure to appear after citation, the Court may, after attempting to notify the animal's owner, order the Animal Control Officer or other authorized person of the City, to destroy the animal, or may order such other disposition of the animal, as will protect the inhabitants and animals of the City.

G. Allow: The term "allow" in this Section shall be defined broadly, and such definition shall include, but not be limited to, the following: directing, commanding and giving permission as well as failing to adequately restrain or failing to effectively control.

#### **4.04.020 Nuisance Animals.**

A. Defined: Any owner of an animal causing a "nuisance," as defined below, shall be in violation of this Chapter and subject to the penalties provided herein. Any animal shall be deemed a nuisance if the animal:

1. causes damage to the property of anyone other than its owner;
2. causes unreasonable odors;
3. causes unsanitary conditions;
4. defecates on any public property, or on any private property without the consent of the owner of such private property, unless the owner of such animal shall remove any such defecation to a property trash receptacle;
5. barks, whines or howls or makes other disturbing noises in an excessive, continuous or untimely fashion;
6. unreasonably and continuously disturbs or threatens passersby by barking, snapping, pawing, clawing, biting or growling;
7. chases vehicles;
8. is continuously or excessively found to be an Animal at Large or in violation of City Ordinances; or
9. Is determined by the Animal Control officer to be a public nuisance by virtue of being offensive or dangerous to the public health, welfare or safety;

B. Remedy: Any individuals or entities making a complaint of a nuisance animal must sign a written statement against the violator and deliver it to the Animal Control Officer. Nuisances will be cited as a Class C Misdemeanor. Any nuisance which continues subsequent to the receipt of a citation shall be deemed a separate offense and may be cited as such.

#### **4.04.030 Female Dogs in Heat.**

Any owner of any female dog in heat, shall, in addition to restraining such dog from running at large, cause such dog to be constantly confined in a building or secure enclosure so as to prevent it from attracting, by scent, or coming into contact with other dogs and creating a nuisance, except for planned breeding.

#### **4.04.040 Disruptive Dogs.**

No person shall own, keep or harbor any dog which by loud barking, howling or yelping interferes with the health and welfare of any person or neighborhood. A violation of this Section shall be an infraction and subject to penalty, and such is hereby declared to be a nuisance, and each day a violation is permitted to exist or continue shall constitute a separate offense. This Section shall not apply to the Brigham City Animal Shelter, animal boarding establishments, animal grooming parlors, pet shops or veterinary hospitals.

#### **4.04.050 Animals at Large Prohibited.**

It shall be unlawful for any animal as defined herein, to be allowed, either negligently or with specific intent, to run at large as defined in this ordinance. However, dogs may be at large while participating in field trials and obedience classes organized and sanctioned by recognized dog clubs, while assisting their owner or trainer in legal hunting or in herding of livestock, while assisting a peace officer engaged in law enforcement duties, or while being trained for the above purposes, or while on the owner's private property, so long as such dogs are under the direct and effective sound or gesture control, and within sight of owners or such individuals noted above, to assure that such animals do not violate any provisions of this ordinance.

#### **4.04.060 Allowing Domestic Fowl to Trespass Prohibited.**

It is unlawful for the owner of any domestic fowls such as: turkeys, ducks, geese, chickens, peacocks or any other variety of fowl, to permit such fowl to trespass or go upon the premises of another or to run at large on any public property or roadway. Fowl that are kept and maintained by municipalities within the confines of public parks or aviaries are exempt, excepting that they shall not be allowed on public roadways.

#### **4.04.070 Staking Animals Improperly on Unenclosed Premises.**

It is unlawful for any person to chain, stake out or tether any animal on any unenclosed premises, in such a manner that the animal may go beyond the property line, unless such person has permission of the owner of the affected property, or the person with whom he shares joint tenancy. No animals are to be staked along public roadway easements.

#### **4.04.080 Keeping of Certain Animals Prohibited - Exceptions.**

It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor or purchase any animal not defined as a "Pet" under Section 4.01 of this title, or any wild animal, as defined in Title 50 of the code of Federal Regulation, Utah Law or regulation, or Section 4.01 of ~~in~~ this title, or which is fierce, dangerous, noxious, or naturally inclined to do harm; provided, however, that an animal shelter, zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshow, amusement show, or facility for education or scientific purposes may keep such animal if protective devices are provided and adequate to prevent such animal from escaping or injuring the public.

### **Chapter 4.05 Impoundment.**

#### **4.05.010 Impoundment Authorized.**

The Animal Control Department shall place all animals which are taken into custody in a designated animal impound facility. The following animals may be taken into custody and impounded as deemed necessary:

- A. Any animal being kept or maintained contrary to the provisions of this ordinance.
- B. Any animal running at large, with any reasonable means used to immobilize or capture such animal.
- C. Any animal which is by this ordinance required to be licensed and is not licensed; an animal not wearing a tag shall be presumed to be unlicensed for the purposes of this section.
- D. Sick or injured animals, whose owner requests impoundment, and agrees to pay a reasonable fee for services rendered.
- E. Any abandoned, neglected animal, whose safety may be threatened, should the animal not be readily placed into protective custody.
- F. Animals which are not vaccinated for rabies in accordance with the requirements of this ordinance.
- G. Any animal needing to be held for quarantine.
- H. Any animal, in the custody of any person or persons who are arrested or otherwise detained, by any police officer, in the event another responsible party cannot be located by the Owner.
- I. Any animal, in the custody of any person or persons who are arrested or otherwise detained, by any police officer, in the event another responsible party cannot be located by the owner.

#### **4.05.020 Impoundment/Record Keeping Requirements.**

The impounding facility shall keep a record of each animal impounded, which includes the following information:

- A. Complete description of the animal, including any tag numbers;
- B. The manner and date of impoundment;

- C. The location of the pickup and identification number of the impounding officer;
- D. The manner and date of disposal;
- E. The name and address of the redeemer or purchaser;
- F. The name and address of any person relinquishing the animal;
- G. All fees received, and;
- H. All expenses occurring during impoundment.

#### **4.05.030 Redemption Requirements.**

An impounded animal whose redemption has been authorized by the Animal Control Officer, may be redeemed by the Owner or his authorized representative, before disposition, provided he pays:

- A. The impound fees;
- B. The daily board charges;
- C. The veterinary costs incurred during the impoundment period;
- D. License fee, if applicable;
- E. A transportation fee, if transportation of an impounded animal, by specialized equipment, is required. "Specialized Equipment" is that equipment, other than the usual patrol and operation vehicles of Animal Control, which is designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers. This fee shall be determined by the Brigham City Council at a level which approximates the cost of utilizing the specialized equipment in the particular situation;
- F. Any other expenses incurred, to impound an animal in accordance with state or local laws, including any reasonable restitution for property damage created by the animal, or that occurs as a result of the impoundment.

#### **4.05.040 Terms of Impoundment Destruction and Disposal of Animals.**

A. Animals shall be impounded for a minimum of three (3) working days before further disposition. If an animal is licensed, the impoundment shall be for five (5) working days. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the animal control facility by the owner thereof, for destruction or other disposition need not be kept for the minimum holding period before release or other disposition, as herein provided.

B. All animals, except those quarantined or confined by court order, or those subject to Section 4-25-4, Utah Code annotated, which are held longer than the minimum impoundment period, and all animals voluntarily relinquished to the impound facility, may be destroyed. Any healthy dog or cat may be sold after payment of all applicable fees. Other small animals, not included as livestock, may also be sold at the discretion of the Animal Control Department.

C. Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention, may, at the discretion of the Animal Control Officer be released to the care of a veterinarian with or without the consent of the owner.

D. When, in the judgment of an Animal Control Officer, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitation otherwise established in this ordinance, and without court order.

E. An Animal Control Officer may destroy any animal upon request of the owner, without transporting the animal to County facilities. An appropriate fee may be charged the owner of the destruction and any subsequent disposal of the carcass done by the Animal Control Department.

### **Chapter 4.06 Rabies Control/Animal Bites.**

#### **4.06.010 Vaccination Requirements.**

All dogs, cats, or other animals susceptible to rabies, for which a federally approved vaccine is available, shall be vaccinated at six (6) months of age by a licensed veterinarian or rabies clinic. Every dog shall be revaccinated every ~~twenty-four (24)~~ <sup>thirty-six (36)</sup> months and every cat revaccinated every twenty-four (24) months, thereafter. Any unvaccinated dog or cat over six (6) months of age, adopted or brought into the jurisdiction, must likewise be vaccinated initially. Thereafter valid protection must be maintained.

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<sup>5</sup> Ordinance No. 05-24, dated 11/17/05

#### **4.06.020 Exception for Transient Animals.**

The provisions of this chapter, with respect to vaccination, shall not apply to any animal owned by a person temporarily remaining within the jurisdiction for less than thirty (30) days. Such animal(s) shall be confined by a restraining device and under supervision of the owner. It is unlawful to bring any animal into the jurisdiction which does not comply with the animal health laws and import regulations.

#### **4.06.030 Vaccination Certification and Tags.**

A. It shall be the duty of each veterinarian when vaccinating any animal for rabies to complete a certificate of rabies vaccination, in duplicate, which includes the following information:

1. Owner's name and address
2. Description of the animal
3. Date of vaccination
4. Rabies vaccination tag number
5. Type of vaccine administered
6. Manufacturer's serial number of vaccine

B. A copy of the certificate shall be distributed to the owner of the animal, and original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this chapter.

C. Additionally, a metal or durable plastic rabies vaccination tag or rabies identification microchip implanted beneath the skin, serially numbered, shall be securely attached to the collar, implanted microchip or harness of the animal. An animal not wearing such a tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this ordinance.

#### **4.06.040 Impoundment of Animals Without Valid Rabies Vaccination Tags.**

A. Any vaccinated animal impounded because of a lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of a rabies vaccination and payment of all impoundment fees prior to release.

B. Any unvaccinated animal may be reclaimed prior to disposal by payment of impoundment fees and by obtaining or providing proof of a rabies vaccination within seventy-two (72) hours of release.

C. Any animal not reclaimed within the prescribed period of time shall be disposed of pursuant to provisions of Section 4.05.040.

#### **4.06.050 Rabid Animal Reports.**

Any person having knowledge of the whereabouts of an animal known to have been exposed to or suspected of having rabies or of an animal or person bitten by such a suspected animal, shall notify the Department of Animal Control or the State of County Health Department.

#### **4.06.060 Quarantine and Disposition of Biting Animals.**

A. An animal that has rabies or shows signs of having rabies and every animal bitten by another animal affected with rabies or that has been exposed to rabies, shall be reported by the owner as set forth above and shall immediately be confined in a secure place by the owner. The owner shall turn over the animal to the Animal Control Agents upon demand.

B. The owner of any animal or species subject to rabies, which has been bitten by another animal known to be capable of harboring the rabies virus, shall surrender the animal to an authorized official upon demand. Any person authorized to enforce this ordinance may enter upon private property to seize the animal if the owner refuses to surrender the animal.

C. Any animal of a species subject to rabies that bites a person or animal or is suspected of having rabies may be seized and quarantined for observation for a period of not less than fourteen (14) days by the Animal Control Department. The owner of the animal shall bear the cost of confinement. The Animal Shelter shall be the normal place for such quarantine but other arrangements, including confinement by the owner, may be made by the Animal Control Department if the animal has current rabies vaccinations at the time the bite is inflicted or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the Animal Control Department if the animal shows any signs of sickness or abnormal behavior or if the animal escapes confinement. It is unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a health or Animal Control Officer to make an inspection or examination during the period of quarantine. If the animal dies within fourteen (14) days from the date of the bite, the person having custody shall immediately notify the Animal Control Department in order that the department may immediately remove and deliver the head to the State Health Department.



If at the end of the fourteen (14) day period an investigating officer of the Department of Animal Care and Control examines the animal and finds no sign of rabies, the animal may be released to the owner, or in the case of a stray, it shall be disposed of as provided in Section 41.05.040.

**D. Unvaccinated Bitten Animals.**

1. In the case of an unvaccinated animal species subject to rabies, which is known to have been bitten by a known rabid animal, such bitten or exposed animal shall be immediately destroyed.

2. If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six (6) months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply herewith.

**E. Vaccinated Bitten Animals.**

1. If the bitten animal is currently vaccinated and not revaccinated within twenty-four (24) hours, the animal shall be isolated and quarantined under veterinary supervision for ten (10) days.

2. The animal shall be destroyed if the owner does not comply with subdivisions one or two of this subsection E, regarding exposure by known rabid animals.

F. It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the Chief of Police of Brigham City.

**4.06.070 Bites - Duty to Report.**

A. Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the Animal Control Department.

B. The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the Animal Control Department within twenty-four (24) hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.

C. A physician or other medical personnel who renders professional treatment to a person bitten by an animal, the bite of which might cause rabies, shall report the fact that he has rendered professional treatment to the Animal Control Department within twenty-four (24) hours of his first professional attendance. He shall report the name, sex and address of the person bitten, as well as the type and location of the bite. If known, he shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the Animal Control Department.

D. Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the Animal Control Department. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner and description of the animal which caused the injury, and the location of the incident.

E. Any person not conforming with the requirements of this chapter shall be in violation of this ordinance.

**Chapter 4.07 Animal Care and Offenses.**

**4.07.010 Cruelty to Animals.**

A person commits cruelty to animals when he:

A. Causes one animal or fowl to fight with another.

B. Intentionally or carelessly administers or applies any poisonous or toxic drug or any material injurious to tissues or organs to any animal or livestock, or procures or permits the same to be done, whether the animals are his own property or that of another. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin, in furtherance of public health, when applied in such a manner as to reasonably prohibit access to other animals.

C. By act or omission causes pain, suffering, terror or torment, or if he injures, mutilates, or causes disease or death to any animal or fowl.

D. Administers, applies, procures or permits the administration or application of any trapping mechanism, other than a live capture trap or exposes such a trapping mechanism to domesticated animals or livestock with the intent to harm or take the animal, whether the animal be his own property or that of another. All set live capture traps shall be checked and emptied daily. This provision shall not be interpreted so as to prohibit the use of trapping mechanisms by those licensed with the State and whose traps have owner identification permanently affixed to them.

E. Neglects or fails to supply such animal with necessary food, space, shelter, sanitation and protection from the elements.

F. Raises, trains, purchases or sells any animal or fowl for fighting or harbors fowl for fight purposes, which has the comb clipped or the spur altered or who is in possession of an artificial spur.

G. Is present, as a spectator, at any animal contest wherein one animal or fowl is caused to fight with another, or rents any building, shed, room, yard, ground or premises for the purpose of holding such a contest between animals and knowingly suffers or permits the use of any building, shed, room, yard, ground or premises belonging to him or under his control for any of these purposes.

H. Abandons an animal.

I. Performs or causes to be performed any of the following operations:

1. Crops or cuts the ears, removes an animal's claws or sterilizes a dog or cat and is not a licensed veterinarian except when the same is performed in accordance with state law.

2. Inhumanely docks the tail of an animal or removes an animal's dewclaws in a fashion not in accordance with state law.

J. Offers chicks, ducklings, goslings or their fowls for sale, raffles, offers as a prize, a premium, or an advertising device, or displays chicks, ducklings, goslings or other fowl to the public without providing and operating brooders or other heating devices that may be necessary to maintain the chicks, ducklings, goslings or other fowl in good health, and without keeping adequate food and water available to the birds at all times.

K. Carries or causes to be carried any animal in a manner harmful to that animal. Suitable racks, car crates or cages in which such animals may stand, move freely or lie down during transportation, or while awaiting slaughter, must be provided.

L. Leaves any animal confined in a vehicle, unattended, in excessively hot or cold weather.

M. Continuously drives or works a horse or other animal to a point of observable strain and denies the animal rest periods. Working animals shall be offered water periodically.

N. Takes or kills any wild bird(s) or robs or destroys their nest, eggs or young, or any bird in violation of the laws of the State of Utah.

O. Inhumanely hobbles livestock or other animals.

P. Leaves any livestock species used for drought, driving or riding purposes on the street without protection from the weather and without food and water.

Q. Recklessly rides or drives any horse or other livestock species on any street, highway or avenue within this jurisdiction.

R. Induces or encourages an animal to perform through the use of chemical, mechanical, electrical or manual devices in a manner in which will cause or is likely to cause physical injury or unnecessary suffering.

#### **4.07.020 Defense.**

A. Any person may kill an animal while it is attacking, chasing or worrying any domestic animal having a commercial value, or any species of hoofed protected wildlife, while attacking domestic fowls, or while such animal is being pursued thereafter.

B. Any animal making vicious and unprovoked attack on any person, except when the attack is in defense of the person, family or property of the animal's owner, may be killed by a person while it is making such an attack.

#### **4.07.030 Injuries and Communicable Diseases.**

No person shall knowingly harbor or keep any animal with a serious injury, or afflicted with mange, ringworm, distemper, parvo, kennel cough, or any other contagious disease, unless such animal is being given adequate treatment to control or eliminate disease.

#### **4.07.040 Charge of Violator Seizure of Animals.**

It shall be the duty of a person filing charges, under this chapter, to seize or arrange to be seized, an animal found in the keeping or custody of a person being charged, and which are being used or will be used, as evidence in the case, resulting from such charge. The person making said seizure shall cause such animals to be delivered immediately to the Animal Control Department, or in such cases as may be necessary, to a veterinarian for treatment. It shall be the duty of that department to humanely hold such animals until further court order regarding their disposal. The perpetrator of any such act shall be responsible for the cost of impoundment, board and any medical expenses incurred during the holding period of the animal.

#### **4.07.050 Harboring of Animals Prohibited, Duty to Notify.**

It is unlawful for any person to harbor or keep within this jurisdiction any lost or strayed animal. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Brigham City Animal Shelter within seventy-two (72) hours. An Animal Control Officer may take the animal into protective custody or authorize the finder to maintain possession of the animal until its owner is located or the animal is properly licensed.

#### **4.07.060 Places Prohibited to Animals.**

It shall be unlawful for any person to take or permit any animals, whether on a leash or in the arms of the owner, in any establishment or place of business where food or food products are sold or distributed, including but not limited to restaurants, grocery stores, meat markets, and fruit and vegetable stores. This, however, shall not apply to guide dogs or to government working dogs, while they are being used in law enforcement exercises.

### **Chapter 4.08 Enforcement and Penalties.**

#### **4.08.010 Power and Authority of Animal Control Officer.**

In the performance of his/her duties, the Animal Control Officer is hereby vested with the power and authority of that office, within the Brigham City Police Department. Badges of authority shall be issued by the Brigham City Police Department or officers having received and been sworn to the oath of office.

#### **4.08.020 Investigation.**

Animal Control Officer and/or Peace Officers may enter upon privately owned land to investigate reports of vicious animals, cruelty cases, rabies and other contagious animal disease, or to investigate violations of and enforce the provisions of this ordinance.

#### **4.08.030 Penalty.**

Any violation of the provisions of this Chapter, either by failing to do those acts required herein or by doing any act prohibited herein, shall be considered a Class C Misdemeanor unless otherwise specifically stated in this chapter.

#### **4.08.040 Civil Disputes.**

Any incident relating to animals attacking persons or livestock, where such incident is not reported within twenty-four (24) hours, constitutes a civil dispute. Neither the City nor its employees shall become involved in civil disputes arising between persons because of damages caused by animals. Should any civil dispute arise from a violation of this Chapter, and if the Animal Control Officer responds, the limit of the City's responsibility is to provide testimony by order of a subpoena as to what was personally observed by such Officer, and make public records available. Any settlement or claims for damages are strictly a civil matter and must be pursued by the damaged party.

#### **4.08.050 Fees Adjusted by Resolution.**

Any and all of the fees and/or licensing costs established by this Title may be revised, adjusted or amended by resolution, duly and properly passed by the Brigham City Council.

#### **4.08.040 Repeal.**

Any ordinance, sections or portions of ordinances previously adopted by the Brigham City Police Department, which are in conflict with the provisions of this ordinance, are hereby repealed.

#### **4.08.050 Severability Clause.**

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.